IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2904 OF 2005

Mr.Behram S.Irani ...Petitioner

Versus

Mr.Mohan K.Jain & Anr. ...Respondents

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Mr.S.V.Marwadi for Petitioner.

Mr.G.B.Bhatt for Respondent No.1.

Ms.S.V.Gajare, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 9, 2005.

P.C.

1. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the Petitioner by way of revision in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in**

2005(3) Mh.L.J. 778, no reason to directly entertain the present Petition.

3. Petition is disposed of with liberty to the Petitioner to approach the revisional Court, if so advised. All contentions are left open. Revision be filed within four weeks. Till such time, no precipitative action be taken against the Petitioner.

4. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

5. In case, there is any delay in filing Revision Application, Court will take into account the fact that the Petitioner had first approached this Court, which period may be excused in computing delay.

6. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.